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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,970	09/18/2003	Mani Soma	4735.P005	8349

7590 11/15/2006

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EXAMINER

BUI, BRYAN

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,970

Applicant(s)

SOMA ET AL.

Examiner

Bryan Bui

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,13-23,25,26 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23,26 and 29-38 is/are allowed.
- 6) ☒ Claim(s) 1,5-8,13-22,39 and 40 is/are rejected.
- 7) ☒ Claim(s) 25,28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/17/06
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

1. Applicant's paper file on 9/11/2006 has been received and entered. Claims 1, 23, 26, 29 and 40 have been amended. Claims 2-4, 9-12, 24, 27 have been cancelled. Claims 1, 5-8, 13-23, 25-26, 28-40 are pending in the application.
2. Applicants' remark has been considered, but it is not persuasive.

Claim Objections

3. Claims 25 and 28 are objected to because the claim cannot depend on the cancelled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 5-8, 13-22, and 39-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed to a judicial exception; as such, pursuant to the Interim Guidelines on Patent Eligible Subject Matter (MPEP 2106), the claims must have either physical transformation and/or a useful, concrete and tangible result. The claims fail to include transformation from one physical state to another. Although, the claims appear useful and concrete, there does not appear to be tangible result claimed. Merely recite "applying...to RF signal under test" and extracting at least one timing parameter..." steps in claims 1 and 39 would not appear to be sufficient to constitute a tangible result, since the outcome of these steps has not been used in a disclosed practical application nor made available in such a manner that its usefulness in a disclosed practical

Art Unit: 2863

application can be realized. As such, the subject matter of the claims is not patent eligible. Especially, method claim 13 merely recite the steps of computing, searching; and method claim 20 merely recites the steps of computing, searching, and performing. The steps of these claims would not appear to be sufficient to constitute a tangible result, since the outcome of these steps has not been used in a disclosed practical application nor made available in such a manner that its usefulness in a disclosed practical application can be realized. **The tangible result of function performed, such as the presenting/outputting/displaying of the result for use in the practical application should be provided.**

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter:

Claims 23, (dependent claims 25 and 28 under objection as set forth above), 26, and 29-38 are indicating allowable over the prior art of record because none of the prior art of record teach or suggest the claimed combination as recited (please the previous office action and applicants' response argument filed on 9/11/2006).

Response to Arguments

6. Applicant's arguments filed on 9/11/2006 have been fully considered but they are not persuasive.

With respect to method claims 1, 5-8, and 39-40, Applicants argue that "apply a wavelet to produce a useful, concrete, tangible result without preempting other uses of wavelets. Also, application of the wavelet transforms a radio frequency (RF) signal that

Art Unit: 2863

is being tested into at least one timing parameter. Such transformation constitutes a practical application of the wavelet because it produce a useful, concrete, tangible result, to wit: at least one timing parameter from the RF signal that maybe used for display or to characterize the RF signal" . Applicants argument based on the scenario of an example in MPEP 2106.II.A. However, in the example, the limitations of the claim is appears the tangible result because the final share price is used for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades. Contrary, in the current application, the limitations of the claims invention does not provide the tangible result as such mentioned in the remark (page 9) which to be used for display or to characterization the RF signal, since these limitations are not read in the claim.

With respect to method claims 13-22, Applicants do not mentioned about the status of these steps. The claims are clearly not produce the useful, concrete and tangible result as set forth above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2863

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BB

11/02/2006

BRYAN BUI
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Bryan Bui', is written below the printed name and title.